

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIAM WESLEY DUTTON,

Plaintiff,

v.

CIV 16-517 CG/GJF

MICHAEL CORDERO, ERIC BENN,
and JANE DOE NO. 1,

Defendants.

OPPOSED MOTION FOR AN EXTENSION OF TIME
TO FILE AN ANSWER OR OTHERWISE PLEAD

The Defendants, Michael Cordero and Eric Benn (Federal Defendants), respectfully request an extension of time to answer or otherwise plead in the above-captioned matter. Federal Defendants would inform the Court that they are in the process of requesting representation from the Department of Justice through the administrative process in place. At the present time, no answer has been filed by any party Defendant. Further, the Federal Defendants state the following:

1. No extensions of time have been requested previously in this action.
2. Federal Defendants are being sued individually and have a right to representation for which they have requested assistance from the Department of Justice.
3. Per Local Rule 7.1 the undersigned contacted Counsel for the Plaintiff via email on August 17, 2016, and Plaintiff responded on August 18, 2016, indicating that

he would not consent unless certain conditions were met. Therefore, Plaintiff's counsel objects to the filing of this motion.

4. No prejudice will result from an enlargement of time. The granting of this Motion is discretionary with the Court. Fed. R. Civ .P. 6(b).

WHEREFORE, Federal Defendants respectfully request that the Court grant this Motion. Defendants request and additional 60 days after the Federal Defendants have been notified whether the Department of Justice will represent them, or until November 7, 2016, whichever is later. Counsel for the United States will notify the Court when Defendants have received such notice from the Department of Justice.

Respectfully submitted,

DAMON P. MARTINEZ
United States Attorney

Filed electronically August 18, 2016

MANUEL LUCERO
Assistant United States Attorney
P.O. Box 607
Albuquerque, NM 87103
(505) 224-1467
manny.lucero@usdoj.gov

I HEREBY CERTIFY that on August 18, 2016, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties and counsel entitled to service and or notice to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Filed electronically August 18, 2016

MANUEL LUCERO
Assistant United States Attorney